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Attorneys for Plaintiff  
American Piledriving Equipment, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

AMERICAN PILEDRIVING EQUIPMENT,  
INC., a Washington corporation,

Plaintiff,

v.

BAY MACHINERY CORPORATION, a  
California corporation,

Defendant.

Case No. CV 08-1934 HRL

**DECLINATION TO PROCEED BEFORE  
A MAGISTRATE JUDGE AND REQUEST  
FOR REASSIGNMENT TO A UNITED  
STATES DISTRICT JUDGE**

The undersigned party hereby declines to consent to the assignment of this case to a United States Magistrate Judge for trial and disposition and hereby requests the reassignment of this case to a United States District Court Judge.

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1 DATED: April 15, 2008

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

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3 By: 

Jeffrey L. Fuller

Attorneys for Plaintiff

American Piledriving Equipment, Inc.